

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3337

CONFIDENTIAL



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION

2017 AUG 28 AM 10:42

**SENSITIVE**

August 28, 2017

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser *KR*  
Compliance Branch

SUBJECT: Reason to Believe Recommendation -  
Failure to File 48-Hour Notices under the Administrative Fine Program

Attached is the name of a principal campaign committee that has failed to file 48-hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Florida 12 Day Pre-Primary Report up to 48 hours before the August 30, 2016 Primary Election in accordance with 52 U.S.C. § 30104(a) and 11 CFR. § 104.5(f). The committee, Mary Thomas for Congress, represents a candidate who lost the Primary Election. The committee is being referred for failing to file 48-hour notices for contributions totaling \$46,912.00.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

1-800-2-N-1-5-N-1

1. Find reason to believe that Mary Thomas for Congress and Roxane Nickeo, in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$5,386 be assessed.

- Attachment**

**Contributions for Which a 48-Hour Notice Was Not Received**

**AF 3337**

**Committee ID: C00581397**

**Committee Name: Mary Thomas for Congress**

**Report Type: October Quarterly Report (8/11/2016 - 9/30/2016)**

**48-Hour Reporting Period: 8/11/2016 – 8/27/2016**

CONTRIBUTOR	DATE	AMOUNT
BRUCE, ROBERT	8/12/2016	\$1,500.00
WINTERSTEEN, JIM	8/15/2016	\$2,000.00
JOHNSON, BARBARA	8/18/2016	\$1,000.00
SUNDY, JOHN R	8/22/2016	\$1,000.00
FREEDOMWORKS PAC	8/24/2016	\$3,912.00
GABY, BARBARA	8/24/2016	\$2,700.00
GABY, RICK	8/24/2016	\$1,700.00
ZULUETA, EMMANUEL	8/25/2016	\$2,500.00
AIN, MIKE	8/26/2016	\$2,000.00
BEAMAN, KELLY	8/26/2016	\$2,500.00
BEAMAN, LEE	8/26/2016	\$2,500.00
EVANS, JOHN	8/26/2016	\$2,700.00
GIDEON, CJ	8/26/2016	\$2,700.00
LAWSON, JAY	8/26/2016	\$2,700.00
MILLER, ANDY	8/26/2016	\$2,700.00
MILLER, CYNDI	8/26/2016	\$2,700.00
MILLER, TAMI	8/26/2016	\$2,700.00
MILLER, TRACY	8/26/2016	\$2,700.00
PAGLIARA, TIM	8/26/2016	\$2,700.00
STAI, DIAN	8/26/2016	\$1,000.00
RYDIN, MICHAEL	8/27/2016	\$1,000.00
<b>TOTAL</b>		<b>\$46,912.00</b>

**Proposed Civil Money Penalty: \$5,386 ((5 Notices Not Filed at \$139 each) + (10% of the Overall Contributions Not Filed))**

140401-11-11000001

Federal Election Commission  
Reason to Believe Circulation Report  
48-Hour Notification Report

8/23/2017 4:34 PM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
3337	C00581397	MARY THOMAS FOR CONGRESS	FL	2016	MARY THOMAS	ROXANE NICKEO	0	5	\$46,912	\$5,386

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3337  
Reason to Believe Recommendation - )  
Failure to File 48-Hour Notices under the )  
Administrative Fine Program: Mary )  
Thomas for Congress and Roxane )  
Nickeo, in her official capacity as )  
treasurer )

CERTIFICATION

I, Laura E. Sinram, Acting Deputy Secretary of the Federal Election Commission, do hereby certify that on August 31, 2017, the Commission decided by a vote of 5-0 to take the following actions in AF 3337:

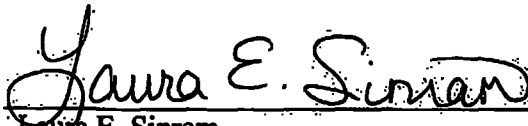
1. Find reason to believe that Mary Thomas for Congress and Roxane Nickeo, in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$5,386 be assessed.
2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

8/31/17

Date

  
Laura E. Sinram  
Acting Deputy Secretary of the  
Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 1, 2017

Roxane Nickeo, in official capacity as Treasurer  
Mary Thomas for Congress  
250 10th Street NE #2213  
Atlanta, GA 30309

C00581397  
AF#: 3337

Dear Ms. Nickeo:

The Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30101, *et seq.* ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 52 U.S.C. § 30104(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* These notification requirements are in addition to all other reporting requirements. 52 U.S.C. § 30104(a). Our records indicate that Mary Thomas for Congress did not submit 48-Hour Notices for contributions of \$1,000 or more, received between August 11, 2016 and August 27, 2016, totaling \$46,912, as required by 52 U.S.C. § 30104(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On August 31, 2017, the FEC found that there is Reason to Believe ("RTB") that Mary Thomas for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$5,386. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. The amount of the civil money penalty is \$139 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$5,386 within forty (40) days of the finding, or by October 10, 2017.

At this juncture, the following courses of action are available to you:

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection



Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

**4. Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

**5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Aimee Wechsler in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Steven T. Walther  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$5,386 for the 2016 Primary Election 48-Hour Notification Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Mary Thomas for Congress

FEC ID#: C00581397

AF#: 3337

PAYMENT DUE DATE: October 10, 2017

PAYMENT AMOUNT DUE: \$5,386

**Contributions for Which a 48-Hour Notice Was Not Received****AF 3337****Committee ID: C00581397****Committee Name: Mary Thomas for Congress****Report Type: October Quarterly Report (8/11/2016 - 9/30/2016)****48-Hour Reporting Period: 8/11/2016 – 8/27/2016**

CONTRIBUTOR	DATE	AMOUNT
BRUCE, ROBERT	8/12/2016	\$1,500.00
WINTERSTEEN, JIM	8/15/2016	\$2,000.00
JOHNSON, BARBARA	8/18/2016	\$1,000.00
SUNDY, JOHN R	8/22/2016	\$1,000.00
FREEDOMWORKS PAC	8/24/2016	\$3,912.00
GABY, BARBARA	8/24/2016	\$2,700.00
GABY, RICK	8/24/2016	\$1,700.00
ZULUETA, EMMANUEL	8/25/2016	\$2,500.00
AIN, MIKE	8/26/2016	\$2,000.00
BEAMAN, KELLY	8/26/2016	\$2,500.00
BEAMAN, LEE	8/26/2016	\$2,500.00
EVANS, JOHN	8/26/2016	\$2,700.00
GIDEON, CJ	8/26/2016	\$2,700.00
LAWSON, JAY	8/26/2016	\$2,700.00
MILLER, ANDY	8/26/2016	\$2,700.00
MILLER, CYNDI	8/26/2016	\$2,700.00
MILLER, TAMI	8/26/2016	\$2,700.00
MILLER, TRACY	8/26/2016	\$2,700.00
PAGLIARA, TIM	8/26/2016	\$2,700.00
STAI, DIAN	8/26/2016	\$1,000.00
RYDIN, MICHAEL	8/27/2016	\$1,000.00
<b>TOTAL</b>		<b>\$46,912.00</b>

**Proposed Civil Money Penalty: \$5,386** ((5 Notices Not Filed at \$139 each) + (10% of the Overall Contributions Not Filed))



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEB 13 2018

2017 NOV 13 AM 9:48

**SENSITIVE**

November 13, 2017

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *EW/HP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser *KR*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the Failure to File 48-Hour Notices

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the appropriate 48-Hour Notices for the Florida 2016 Primary Election. The committee has not paid the civil money penalty requested at RTB and has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.40, the Commission shall send a final determination notice to the respondent that has not paid the civil money penalty.

**RAD Recommendation**

- (1) Make a final determination that the political committee and its treasurer listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

**Federal Election Commission  
Final Determination Circulation Report  
48-Hour Notification Report**

A#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3337	C00581397	MARY THOMAS FOR CONGRESS	FL	2016	MARY THOMAS	ROXANE NICKO	0	5	\$46,912	09/31/2017	\$5,398	69	\$5,398

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3337  
Administrative Fine Program – Final )  
Determination Recommendation for the )  
Failure to File 48-Hour Notices: Mary )  
Thomas for Congress and Roxane )  
Nickeo, as treasurer )

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election  
Commission, do hereby certify that on November 14, 2017, the Commission  
decided by a vote of 5-0 to take the following actions in AF 3337:

1. Make a final determination that Mary Thomas for Congress and  
Roxane Nickeo, in her official capacity as treasurer, violated 52 U.S.C.  
§ 30104(a) and assess a final civil money penalty of \$5,386.
2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted  
affirmatively for the decision.

Attest:

November 14, 2017  
Date

Dayna C. Brown  
Dayna C. Brown  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 15, 2017

Roxane Nickeo, in official capacity as Treasurer  
Mary Thomas for Congress  
250 10th Street NE, #2213  
Atlanta, GA 30309

C00581397  
AF#: 3337

Dear Ms. Nickeo:

On August 31, 2017, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Mary Thomas for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for failing to file 48-Hour Notices for contributions of \$1,000 or more, received between August 11, 2016 and August 27, 2016, totaling \$46,912. By letter dated September 1, 2017, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$5,386 in accordance with the schedule of penalties at 11 CFR § 111.44. Within forty (40) days of the FEC's RTB finding, you, as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on November 14, 2017 that Mary Thomas for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$5,386 in accordance with 11 CFR § 111.44.

At this juncture, the following courses of action are available to you:

**1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within thirty (30) days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. §30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

**2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within thirty (30) days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within five (5) days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

### **3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

## **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

### **4. Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

### **5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.



If you have any questions regarding the payment of the civil money penalty, please contact Aimee Wechsler at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

Steven Swathwa

**Steven T. Walther**  
**Chair**

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.44, the civil money penalty is \$5,386 for the Florida 2016 Primary Election 48-Hour Notification Report. The payment is due within 30 days of receipt of this letter.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: Mary Thomas for Congress

FEC ID#: C00581397

AF#: 3337

PAYMENT AMOUNT DUE: \$5,386

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3 3 3 7